

**ROCKY HILL PLANNING BOARD**  
**Minutes of the December 12, 2006 Meeting**

Present: R. Ayrey, R. Batchelder, C. Cann, J. Hasser, G. Morren, C. Pihokken, T. Roshetar,  
R. Whitlock, A. Youtz, J. Yuchmow

Absent: G. Oakley

Also present: V. Kimson and K. Philip

**Statement Of Adequate Notice**

Pursuant to the Sunshine Law, a notice of this meeting's date, time, place and agenda was mailed to the news media, posted on the Municipal bulletin board and filed with the Municipal Clerk. The meeting was called to order at 7:30 p.m.

**Open Public Comment Period:** The meeting was then opened to the public. P. Harris, Crescent Avenue, expressed concern about the parking for the Rocky Hill Pub, 153 Washington Street. She stated that the building was recently renovated and there appears to be additional staff (i.e. sous chefs, bartenders) and customers are parking their vehicles along Crescent Avenue when the parking lot is full. During planning board discussions about the renovation, she believes the board questioned seating capacity and parking. Several options were discussed including shuttling of employees from Princeton Park or valet parking. R. Whitlock stated that he spoke with the owner about the parking problem and was advised that they will look into employee parking off site in addition to excess customer parking areas. Ms. Kimson stated that unless that was a mistake in the applicant's testimony a board is not allowed to re-open a hearing. R. Ayrey stated that he does not recall increased staffing as part of the applicant's testimony. C. Pihokken stated that he will draft a letter to the owner on the board's behalf. Being that there was no one else who wished to address the board, the open public portion of the meeting was closed.

**Approval of Minutes:**

September 12, 2006 – Motion made by G. Morren and C. Cann seconded the motion to approve the minutes of September 12, 2006. The vote was 8-0 in favor of those eligible to vote. Motion carried.  
October 10, 2006 – Motion made by T. Roshetar and G. Morren seconded the motion to approve the minutes of October 10, 2006. The vote was 9-0 in favor of those eligible to vote. Motion carried.

**Chairman's Comments and Correspondence**

C. Pihokken thanked all the Board professionals and board attorney for their hard work in 2006, some improvements are necessary but we have come very far. He then recognized J. Yuchmow, Vice Chairman, and the Board members for their dedication to the community. He stated that 2006 was a busy and difficult year and board members should all be proud of their accomplishments and how well everyone worked together.

**Discussion: Ordinance Referrals**

1) Ordinance #10 – Referral from Borough Council: Development Fees

C. Pihokken stated that the ordinance was drafted to increase development fees. He advised that the Planning Consultant, Susan Kimball, prepared the document. Motion was made by G. Morren and C. Cann seconded the motion to endorse the approval of ordinance #10 pertaining to development fees. The vote was 9-0 in favor. Motion carried.

FOR: Ayrey, Batchelder, Cann, Morren, Pihokken, Roshetar, Whitlock, Youtz, Yuchmow

AGAINST: None

ABSTAIN: None

2) Ordinance #11 – Referral from Borough Council: Stormwater Management

C. Pihokken stated Council intends to get the municipal ordinances consistent with the state stormwater management legislation. He advised that the Engineering Consultant, Bill Tanner, prepared the document. R. Whitlock stated that this amendment fully conforms with state requirements. Motion was made by G. Morren and T. Roshetar seconded the motion to endorse ordinance #11 so that the ordinance is up to date with the State Stormwater Management legislation. The vote was 9-0 in favor. Motion carried.

FOR: Ayrey, Batchelder, Cann, Morren, Pihokken, Roshetar, Whitlock, Youtz, Yuchmow

AGAINST: None

ABSTAIN: None

R. Ayrey stepped down from the following application.

**APPLICATION**

a) Eric and Margaret Hintz

“C” Variance Request, 3 Montgomery Avenue

Eric Hintz, applicant, was sworn in and stated that the proposal requires renoticing for historic preservation review because only the “C” variance application was identified within the notice to the adjacent property owners. Ms. Kimson asked if he would prefer presenting the plan as a concept plan, Mr. Hintz stated that he would like the board to review the variance request and they will return for historic preservation review. He then passed around a copy of the material list and key of the proposed improvements to the façade. Mr. Hintz stated that the house is located within the historic district and they are attempting to comply with the historic requirements. The proposal is for a second story addition, the view of the home from the front will not change because there is a wide exposure from Washington. He stated that the square footage of the house may be doubled in size but it would still be a modest sized home. Mr. Hintz referred to the report from Historic Building Architects dated November 6, 2006. He advised that the plans provided are not detailed enough and if variance approval is granted, he will provide detailed drawings of the proposed addition. Mr. Hintz stated that there is one bathroom

on the first level and to avoid a variance the footprint of the house would need to be changed and this would result in greater visual impact from the roadway. The house is located right on the property line so they are unable to avoid the bulk variance. He then described the architectural details proposed including a traditional porch for the front façade. Item #4 within the report refers to the windows and he stated that they are willing to do whatever is required by the Board but there are several mismatched windows existing, they are aware of a few renovations to the home but he is unsure which windows are original. He advised that the windows are not operational at this time and they would like to unify all the windows. C. Pihokken stated that the Board will ask the Borough's architectural consultant, Michael Calafati, to attend the next meeting. He stated that the preservation ordinance requires the new addition to be distinguished from the original house, the house should not appear as if it was all built at the same time. Mr. Hintz stated that there would be subtle differences to differentiate the addition from the original structure. He advised that the requested variance is from northern line, the existing sideyard setback is 1.6 feet whereas 5 feet is required. A height variance is not required. The location of the addition would not impact the neighbors because the front and back of the house would be less in length than the adjacent property to the north. Pertaining to any impact to the neighbors, the view from the street would not change too much but if the addition is place to the south or towards Washington this would have a greater visual impact. He stated that they are requesting the variance since they are limited as to what can be done.

J. Yuchmow asked if the applicant discussed the design with the neighbors. Mr. Hintz stated that he spoke with several of his neighbors. He also spoke with the neighbor adjacent to his property before she passed away in October but no problems were expressed. Her estate was left to the Trinity Church and they were advised of this hearing.

The meeting was opened to the public. Being that no one wished to address the board, motion was made and seconded to close the meeting. Motion was made by T. Roshetar and J. Hasser seconded the motion to approve the "C" variance application. Historic preservation review and approval is still required. The vote was 9-0 in favor. Motion carried.

FOR: Batchelder, Cann, Hasser, Morren, Pihokken, Roshetar, Whitlock, Youtz, Yuchmow  
AGAINST: None  
ABSTAIN: Ayrey

C. Pihokken asked Mr. Hintz to provide detailed plans of the house to the board for historic preservation review and asked the Board members for a conceptual description of the standards they would like to see incorporated in to the site plan. R. Whitlock stated that the Borough's architectural consultant, Historic Building Architects, LLC recommended changes to the windows within their report dated November 6, 2006. He stated that here are general historic standards to follow but a homeowner should have some flexibility and requiring specific designs for the windows of this building does not offer the homeowner any flexibility. T. Roshetar stated that the windows should be consistent with the other windows and not modern in style. The ordinance requires a slight distinction between the new and the old structure but the proposed

design of the windows are acceptable. R. Batchelder stated that he is in support of the design proposed. OTHER BUSINESS: Buy The Cup, Washington Street

L. Raffaelli, Zoning Officer, asked to address the Board regarding the “Buy The Cup” establishment on Washington Street. He stated that Mr. Gwin is present to discuss some of the violations imposed and is disputing a number of things within the approved resolution. Mr. Raffaelli stated that the wrong name of the business is identified on the resolution; it should be “Buy the Cup”, not “Buy A Cup” and asked that the resolution be amended. Mr. Raffaelli stated that resolution identifies the hours of operation as 5am to 1pm but the shop is open from 5am to 8pm. Mr. Raffaelli also stated that the sign on the property is illuminated and this is not permitted.

Mr. Gwin stated that the original hours of operation were 6am to 5pm but during the summer the store was open until 8pm. The hours within the resolution are 5am to 1pm and Mr. Gwin stated that 5am to 5pm seems to be more accurate, he asked that the resolution be amended. T. Roshetar stated that he has no objections to the hours of operation but the illuminated sign is a concern. Valerie Kimson, Esq., attorney for the Board, asked Mr. Gwin to apply for the exterior lighted sign and if the existing signs are permitted then a permit must be obtained. Regarding the existing street sign, the Board may need to review the location of the sign for the sidewalk. Mr. Raffaelli stated that blue and green lighting is not permitted because it would conflict with the police or fire lighting and this is referenced within the development regulation ordinance. Mr. Gwin discussed one final matter with the Board, he stated that there is a light pole in front of the shop and PSE&G advised that they are willing to install a light there to shine on to the front of the shop. C. Pihokken stated that Borough Council may need to review that request.

Motion was made by R. Whitlock and G. Morren seconded the motion to amend the resolution to properly identify the business name as “Buy The Cup” and to amend the hours of operation to read 5:00 a.m. to 8:00 p.m. The vote was 9-0 in favor. Motion carried.

FOR: Ayrey, Batchelder, Cann, Morren, Pihokken, Roshetar, Whitlock, Youtz, Yuchmow

AGAINST: None

ABSTAN: None

Motion was made by R. Batchelder and G. Morren seconded the motion to close the meeting to the public to discuss pending litigation. The vote was 9-0 in favor. Motion carried.

FOR: Ayrey, Batchelder, Cann, Morren, Pihokken, Roshetar, Whitlock, Youtz, Yuchmow

AGAINST: None

ABSTAN: None

The meeting was opened to the public. Being that there were no other matters before the board, motion was made and seconded to adjourn the meeting at 9:15 p.m. C. Pihokken stated that the next meeting is scheduled for January 9, 2007.

Respectfully submitted,

Kerry A. Philip  
Secretary